

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HARRISON J. BREault,

Petitioner,

v.

SUPER, WAKEFIELD, et al.,

Respondents.

Civil Action No. 05-211 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on July 28, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 12], filed on August 4, 2006, recommended that Petitioner's Petition be denied and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. Objections were filed by Petitioner on August 30, 2006 [Doc. No. 14]. After novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 7th day of September, 2006;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DENIED and a certificate of appealability is DENIED.

The Report and Recommendation [Doc. No. 12] of Magistrate Judge Baxter, filed on August 4, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge